

**REMARKS**

Reconsideration and allowance of the subject patent application are respectfully requested.

Claims 1-44 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over Emerson *et al.* (U.S. Patent No. 5,553,059) in view of Butler *et al.* (U.S. Patent No. 6,201,853).

Applicant submits herewith Declaration under Rule 131 Swearing Behind Butler U.S. Patent No. 6,201,853. As set forth in the Declaration, the invention disclosed and claimed in the subject patent application was reduced to practice prior to July 13, 1999, the filing date of Butler *et al.* As such, withdrawal of the rejection of claims 1-44 based on the combination of Emerson *et al.* and Butler *et al.* is respectfully requested.

Applicant notes that the filing of this Declaration does not constitute (and should not be construed to constitute) an admission or acquiescence as to the propriety of the rejection in the office action.

Applicant submits that the pending claims are in condition for allowance, and action to that end is earnestly solicited.

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Serial No.: 09/444,723

If any issues remain to be resolved, the Examiner is urged to contact the attorney for Applicants at the telephone number listed below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

A handwritten signature in cursive script, appearing to read "Michael J. Shea", is written over a horizontal line.

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